UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

EDW. C. LEVY CO. d/b/a THE LEVY COMPANY EDWARD C. LEVY COMPANY d/b/a THE LEVY COMPANY

and

Cases 25-CA-31444 25-CA-31477

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150, AFL-CIO

ORDER1

The petition to revoke subpoena duces tecums B-622174 and B-622175 filed by Edw. C. Levy Co. d/b/a The Levy Company; Edward C. Levy Company d/b/a The Levy Company is denied. The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

Dated, Washington, D.C., September 3, 2010.

WILMA B. LIEBMAN, CHAIRMAN

MARK GASTON PEARCE MEMBER

BRIAN E. HAYES MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Region stated in its opposition brief that it has modified its request for the personnel files of the named individuals to exclude the following information: employee drug screens, background checks, affirmative action information, employment eligibility verification, contact information for personal references, beneficiary designations, tax withholding documents, copies of marriage and birth certificates, copies of Social Security cards and driver's licenses, employment verification inquiries from lenders and landlords, electronic bank deposit authorization forms, court orders with respect to income withholding for child support payments, and copies of the Employer's intention agreement signed by employees at the time of hire. In considering the petition to revoke, we have reviewed the subpoenas as modified by the Region.